



ENTERED
05/20/2014

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
GEORGE R COUNCILL, JANET	§	CASE NO: 05-91470
COUNCILL	§	
Debtor(s)	§	
	§	CHAPTER 7

ORDER FOR HEARING

On November 30, 2012, Dilks & Knopik, LLC alleging that it was acting as attorney in fact for Resurgent Capital Services, L.P. (which in turn was acting as an agent for PYOD LLC) filed an application for payment of \$21,520.14 in unclaimed funds. On January 17, 2013, the application was denied because the claimant had failed to comply with Fed. R. Bankr. P. 3001(e).

On October 3, 2013, PYOD LLC filed two Notices of Transfer of Claim Other than for Security. The Notices were filed under Rule 3001(e)(2). Although the Clerk properly attempted to serve the Rule 3001(e)(2) notices, the address for the original claimant (Citibank) was no longer valid. Accordingly, no effective notice to the alleged transferor has yet been given. See ECF #120 and ECF #121.

On April 28, 2014, Dilks & Knopik, LLC, alleging that it was acting as attorney in fact for Resurgent Capital Services LP, filed a motion to reconsider the Court's January 17, 2013 order. The motion for reconsideration is untimely under any measure. Moreover, the motion alleges (correctly) that Rule 3001(e)(2) notices were filed, but fails to inform the Court that the alleged transferor was not given any notice of the filing.

The Court will conduct an evidentiary hearing on this matter. Each of the parties (Dilks & Knopik, Resurgent, and PYOD) are entities. Entities must be represented by counsel at the hearing, if they choose to appear. See *In re Boyd*, 2012 WL 370093 (Bankr. S.D. Tex 2012).

The hearing will be on June 18, 2014 at 10:30 a.m. Dilks & Knopik is ordered to provide notice of the hearing to PYOD, Resurgent, and Citibank. A certificate of service evidencing the notice must be filed no later than May 29, 2014.

Failure to appear at the hearing, through counsel, will result in a denial of the motion with prejudice against refiling. Telephonic participation is not allowed.

SIGNED **May 20, 2014.**


Marvin Isgur
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court
Southern District of TexasIn re:
George R Councilll
Janet Councilll
DebtorsCase No. 05-91470-mi
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0541-4

User: adol
Form ID: pdf002Page 1 of 2
Total Noticed: 13

Date Rcvd: May 20, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 22, 2014.

db/jdb +George R Councilll, Janet Councilll, 2535 Half Hollow Ct, Conroe, TX 77304-4094
 aty +Marc H Schneider, M, 15150 Middlebrook Dr., Houston, TX 77058-1226, US
 aty +Waldron & Schneider, LLP, 15150 Middlebrook Drive, Houston, TX 77058-1227
 cr American Express Bank FSB, POB 3001, Malvern, PA 19355-0701
 intp +Amway Corporation, c/o Jon W. Daly, Andrews Kurth LLP, 600 Travis, Suite 4200,
 Houston, TX 77002-2929
 sp Brock Akers, Phillips & Akers PC, 3200 SW Freeway, 3400 Phoenix Tower,
 Houston, TX 77027
 cr +Ecast Fob Hrs Usa, c/o Bass & Associates, 3936 E. Ft. Lowell Rd, Suite 200,
 Tucson, AZ 85712-1083
 cr +Household Bank (SB) NA, c/o Bass & Associates, 3936 E Ft Lowell, Tucson, AZ 85712-1097
 cr +San Antonio Federal Credit Union, c/o Parker & Knabeschuh, 4615 Southwest Freeway, Suite 500,
 Houston, TX 77027-7106
 cr Smart Financial Credit Union, c/o Parker & Knabeschuh, P.C., Don Knabeschuh,
 4615 Southwest Fwy, Suite 500, Houston, TX 77027-7106
 acc +William G. West, P.C., CPA, 12345 Jones Rd., Suite 120, Houston, TX 77070-4958

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bnc@bass-associates.com May 20 2014 22:00:49 Ecast Fob Hrs Usa,
 c/o Bass & Associates, 3936 E. Ft. Lowell Rd, Suite 200, Tucson, AZ 85712-1083
 cr +E-mail/Text: bnc@bass-associates.com May 20 2014 22:00:49 Household Bank (SB) NA,
 c/o Bass & Associates, 3936 E Ft Lowell, Tucson, AZ 85712-1097
 cr +E-mail/PDF: resurgentbknottifications@resurgent.com May 20 2014 22:14:40 PYOD LLC,
 c/o Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
 cr E-mail/PDF: resurgentbknottifications@resurgent.com May 20 2014 22:10:25
 Resurgent Capital Services LP, PO Box 10675, Greenville, SC 29603-0675

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ford Motor Credit Company
 sp Porter Hedges LLP

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 22, 2014

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 20, 2014 at the address(es) listed below:

Brock Cordt Akers on behalf of Spec. Counsel Brock Akers brock.akers@phillipsakers.com,
 pam.godwin@phillipsakers.com;robert.riddle@phillipsakers.com
 Christopher A Beck on behalf of Plaintiff Janet Councilll cbeck@bakerbeck.net,
 cbeck@bakerbeck.net;2thelawfirm@gmail.com
 Christopher A Beck on behalf of Joint Debtor Janet Councilll cbeck@bakerbeck.net,
 cbeck@bakerbeck.net;2thelawfirm@gmail.com
 Christopher A Beck on behalf of Debtor George R Councilll cbeck@bakerbeck.net,
 cbeck@bakerbeck.net;2thelawfirm@gmail.com
 Christopher A Beck on behalf of Plaintiff George R Councilll cbeck@bakerbeck.net,
 cbeck@bakerbeck.net;2thelawfirm@gmail.com
 Deirdre Carey Brown on behalf of Trustee William G West brown@hooverslovacek.com,
 welborn@hooverslovacek.com;bankruptcy1@hooverslovacek.com;deirdrecbrown@yahoo.com
 Don J. Knabeschuh on behalf of Creditor San Antonio Federal Credit Union b50martinez@gmail.com
 Don J. Knabeschuh on behalf of Creditor Smart Financial Credit Union b50martinez@gmail.com
 J Craig Cowgill on behalf of Plaintiff George R Councilll jccowgill@cowgillholmes.com,
 efilings@cowgillholmes.com;bmoore@cowgillholmes.com;cmoore@cowgillholmes.com
 J Craig Cowgill on behalf of Plaintiff Janet Councilll jccowgill@cowgillholmes.com,
 efilings@cowgillholmes.com;bmoore@cowgillholmes.com;cmoore@cowgillholmes.com

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Page 2 of 2
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Jon William Daly on behalf of Interested Party Amway Corporation jondaly@akllp.com
Kimberly Anne Bartley on behalf of Trustee William G West kbartley@ws-law.com, linda@ws-law.com
Kimberly Anne Bartley on behalf of Attorney Waldron & Schneider, LLP kbartley@ws-law.com, linda@ws-law.com
Lynn E Saarinen on behalf of Plaintiff American Express Travel Related Services Company, Inc. LynnSaarinen@gmail.com, SaarinenLaw@gmail.com;rlevins@bn-lawyers.com;lhicks@bn-lawyers.com
Marc H Schneider on behalf of Trustee William G West lawfirm@ws-law.com, alicia@ws-law.com;linda@ws-law.com;tracy@ws-law.com;marcs@ws-law.com;faithe@ws-law.com
Nancy Lynne Holley on behalf of U.S. Trustee US Trustee nancy.holley@usdoj.gov
Nichlas P Spallas on behalf of Creditor Ecast Fob Hrs Usa ecf@bass-associates.com
Nichlas P Spallas on behalf of Creditor Household Bank (SB) NA ecf@bass-associates.com
R Christopher Naylor on behalf of Creditor Ford Motor Credit Company king@dntlaw.com
Timothy Alvin Davidson, II on behalf of Interested Party Amway Corporation tdavidson@akllp.com
Timothy Alvin Davidson, II on behalf of Defendant Amway Corporation tdavidson@akllp.com
US Trustee USTPRegion07.HU.ECF@USDOJ.GOV
William G West westcpa@sbcglobal.net, TX16@ecfcbis.com

TOTAL: 23